

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

CNS INTERNATIONAL MINISTRIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:21-CV-65 RLW
	)	
ROBERT KNODELL, Acting Director of the	)	
Missouri Department of Social Services,	)	
	)	
Defendant.	)	

**PLAINTIFF’S STATEMENT OF UNCONTROVERTED MATERIAL FACTS**

Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 7(e), Plaintiff submits the following statement of material facts as to which it contend there are no genuine disputed issues:

1. Plaintiff CNS International Ministries, Inc. (“CNSIMI” or “Heartland”), is a Missouri not-for-profit corporation in good standing, located in the Eastern District of Missouri. CNSIMI is exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in § 501(c)(3). Ex. 1, Barton Declaration, ¶2.

2. Defendant Robert Knodell is Acting Director of the Missouri Department of Social Services. Missouri Department of Social Services, Organizational Chart, <https://dss.mo.gov/ddo/orgchart.pdf/>

3. The Heartland community includes three residential recovery programs for troubled people: Heartland Children and Youth Home (consisting of a girls’ recovery program and a boys’ recovery program), Heartland Women’s Recovery Program, and Heartland Men’s Recovery Program. Ex. 1, Barton Declaration, ¶3.

4. Heartland also includes a K-12 school, which is attended by those in the boys’ and girls’ programs as well as children of staff and from the community at large. All school

employees have a role in conveying Heartland's religious message and carrying out its religious mission. The teachers spend part of every workday performing duties related to inculcating the Christian faith. Ex. 1, Barton Declaration, ¶4.

5. Also located on the Heartland campus, though incorporated separately, are an accredited two-year college known as "Heartland Christian College" and Heartland Community Church. Ex. 1, Barton Declaration, ¶5.

6. Heartland's recovery programs, which have been continuously operating since the mid-1990s, seek to introduce the concepts of Christian living and personal responsibility, helping men and women and boys and girls who are bound with life-controlling addictions, attitudes, and behavioral problems. Ex. 1, Barton Declaration, ¶6.

7. There are currently five children in the boys' and girls' programs at Heartland—four boys and one girl. In addition to tending to their studies, it has been common for boys and girls who are old enough to engage in part-time work in operations run by Heartland's affiliates. Ex. 1, Barton Declaration, ¶7.

8. The Heartland Men's Recovery Center houses men of all ages and from all over the United States. Men who enroll in the 12-month program find themselves in an environment far removed from the temptations of the world, combined with the disciplines of hard work and a focus on Jesus Christ. They reside in a part of Heartland's sprawling campus that is in Knox County, separated by a lake from the remainder of the residents—children, women, and college students—who reside in Shelby County. Men in the Recovery Program participate in daily devotions, chapel, and all weekly Heartland church services. Ex. 1, Barton Declaration, ¶8.

9. In the Heartland Women's Recovery Program, women live in a home-like environment while focusing on their relationship with Jesus Christ. They are trained in areas

such as vocation, work ethic, child-rearing, and financial stewardship. Women in the Women's Home have a daily devotional time together and attend all weekly Heartland church services. The women participate in preparation of meals and daily chores to maintain and clean their home. Ex. 1, Barton Declaration, ¶9.

10. Because of the nature of addiction and recovery, many individuals in the recovery programs have criminal convictions or guilty pleas in their past, often involving drug-related offenses. Ex. 1, Barton Declaration, ¶10.

11. CNSIMI is assisted by the Internal Revenue Service of the Department of the Treasury through the allowance of income tax deductions for contributions to the program and through the granting of tax-exempt status to the program, in effect since October 2, 1995. Ex. 1, Barton Declaration, ¶11.

12. Heartland is an intentional community, which is one that is built around a specific interest or goal (similar to a religious order, a retirement community, or an artist colony). Heartland's goal is to help those with life-controlling issues through redemption in the belief that Jesus Christ is the answer to every issue individuals face—including addiction, anger, broken homes, and financial crises. Ex. 1, Barton Declaration, ¶12.

13. Men and women who commit themselves to the process of restoration find help at Heartland through the power of God and the encouragement of people who have walked a similar path. Heartland's vision is a Christ-centered, sustainable, intentional community of hope for the hurting built around a vibrant local church, cultivating individual, family, community, and global transformation through the power of the gospel. Ex. 1, Barton Declaration, ¶13.

14. Christian belief and practice are integral to the identity of the CNSIMI, and adherence to Christian tenets is a deeply and sincerely held, integral aspect of Plaintiff. Ex. 1,

Barton Declaration, ¶14.

15. Though separately incorporated as a legal entity, Heartland Community Church is at the heart of the Heartland community. Heartland believes that a church is the spiritual family of God, the Christian fellowship created by the Holy Spirit through the mighty acts of God in Christ Jesus. The “church” is more about being a living community on a daily basis than it is about a group of people gathering at a single time. Therefore, the church is not mainly a building or a meeting; it is a community of believers living together in a particular location. Ex. 1, Barton Declaration, ¶15.

16. Heartland believes that the church is the foundation of its community and that everything it does should have the church as its central purpose. The church’s tenets of faith include:

- a. The Church as the Body of Christ, being seen visibly in distinct local fellowships, is God’s chosen instrument to manifest the knowledge of His glory throughout the earth.
- b. Jesus Christ, upon ascending to the Father, commissioned all believers to take the Gospel to the ends of the earth. It is both the duty and privilege of believers to proclaim the Gospel, make disciples, and build the Church with people from all the nations.

Ex. 1, Barton Declaration, ¶16.

17. Heartland believes that making disciples is a community effort. Discipleship involves teaching, training and accountability. Ex. 1, Barton Declaration, ¶17.

18. Heartland recognizes that in the early days of the Church, shortly after Jesus Christ was raised from the dead, those who believed in Him devoted themselves to meeting together every day “in the temple and from house to house.” During this time, they shared meals, praised God, and cared for each other. They also listened to teaching and welcomed new believers into their friendships. They enjoyed life together. Ex. 1, Barton Declaration, ¶18.

19. Heartland's recovery programs are about transformation, redemption, and restoration. To understand how to live healthy and productive lives, individuals need to walk alongside and interact with other imperfect people who are living healthy and productive lives. Ex. 1, Barton Declaration, ¶19.

20. Heartland exists to provide all its residents with an opportunity to be an active participant. Ex. 1, Barton Declaration, ¶20.

21. For these reasons, individuals in all the recovery programs attend church services and work jobs at Heartland, often volunteer jobs, just as others in the community do. Ex. 1, Barton Declaration, ¶21.

22. Children in the Heartland Children and Youth Home are supervised by carefully vetted staff. For more than 20 years, CNSIMI has itself required anyone applying for a position that involved contact with children to report any criminal history, along with child abuse and neglect and sex offender information. In addition, CNSIMI's decades-long employment practice has been to obtain background checks from Missouri's State Highway Patrol and Family Care Safety Registry. CNSIMI scrutinizes all history but treats only sex offender status as automatically disqualifying. Ex. 1, Barton Declaration, ¶22.

23. To Heartland's knowledge, there is no listing in Missouri's Central Registry for Abuse and Neglect resulting from any incident between an adult and a child in Heartland's recovery programs in the past 20 years, and no felony or misdemeanor convictions resulting from such interactions in the entire history of Heartland, going back to the mid-1990s. Ex. 1, Barton Declaration, ¶23.

24. The State has already deemed two Heartland employees ineligible to work there. Ex. 1, Barton Declaration, ¶24.

25. Edward Sonnier has been a school janitor at Heartland since 2015. A background check made pursuant to the new law reflected that in 1994, he pled guilty in the Circuit Court of St. Louis to a disqualifying offense: unlawful use of a weapon. Solely because of this offense, which occurred almost thirty years ago and had nothing to do with children, Mr. Sonnier has been deemed by the State ineligible to continue his janitorial work at school at Heartland. Ex. 1, Barton Declaration, ¶25.

26. Sara Morgan has been a lunchroom supervisor at Heartland since 2020. A background check made pursuant to the new law reflected that in 2011, Ms. Morgan pled guilty to a felony arson charge. Solely because of this offense, which occurred more than a decade ago and had nothing to do with children, Ms. Morgan has been deemed by the State ineligible to continue her lunchroom supervision duties at school at Heartland. Ex. 1, Barton Declaration, ¶26.

27. The teachers at Heartland spend part of every workday performing duties related to inculcating religious faith in schoolchildren. Ex. 1, Barton Declaration, ¶27.

28. CNSIMI is governed by its Board of Directors. In turn, the Board of Directors appoints the ministry's officers, which include the President, Treasurer, Secretary, etc. These officers, in turn, appoint managers, and so forth down through the ranks of employees, support staff, contractors, all the way to volunteers. Ex. 1, Barton Declaration, ¶28.

Respectfully submitted this 7<sup>th</sup> day of November, 2022.

OTTSEN, LEGGAT AND BELZ, L.C.

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**Certificate of Service**

The undersigned hereby certifies that the foregoing document was served on all registered parties on this 7<sup>th</sup> day of November, 2022 using the Court's online filing system.

/s/ Timothy Belz